

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTOPHER MURPHY SPRING

Defendant.

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CRIMINAL ACTION NO. 4:11-CR-248

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on October 6, 2016, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Andrew Stover.

On June 17, 2014, Defendant was sentenced by the Honorable United States District Judge Richard A. Schell of the Eastern District of Texas to 262 months imprisonment followed by a 60 month term of supervised release for the offense of Conspiracy to Possess with Intent to Distribute Less Than 100 Grams of Heroin. 14 months imprisonment followed by a 3 year term of supervised release subject to the standard conditions of release, plus special conditions to include financial disclosure; drug treatment and testing; mental health treatment, and a \$100 special assessment . On July 21, 2015, Christopher Murphy Spring completed his period of imprisonment and began service of the supervision term. The case was reassigned to U.S. District Judge Marcia A. Crone on October 7, 2015.

On August 30, 2016, the U.S. Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt. 1344 Sealed]. The Petition asserted that Defendant violated five (5) conditions of supervision as follows: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall not illegally possess a controlled substance; (3) Defendant shall refrain from any unlawful use of a controlled substance; (4) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; and (5) Defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the United States Probation Office, until such time as the defendant is released from the program by the probation officer.

The Petition alleges that Defendant committed the following acts: (1), (2), (3), and (4) On July 22, 2016, Defendant was arrested in Collin County, Texas, by the Anna, Texas, Police Department for Evading Arrest Detention with Vehicle, a State Jail Felony, and Possession of Marijuana < 2oz., a Class B Misdemeanor. He was released on bond on July 23, 2016. On August 3, 2016, Defendant submitted a urine specimen which tested positive for marijuana. He admitted verbally and in writing he used said substance prior to his arrest on July 22, 2016; and (5) On August 8, 2016, Defendant submitted a urine specimen which was returned by Alere Toxicology Services, Inc., as being diluted.

Prior to the Government putting on its case, Defendant entered a plea of true to the allegations three (3), four (4), and five (5). The Government will dismiss the remaining allegations.

The Court finds that Defendant did violate his conditions of supervised release by committing the allegations listed herein. Defendant waived his right to allocate before the District Judge and his right to object to the report and recommendation of this Court.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for a term of ten (10) months, with no term of supervised release to follow.

The Court also recommends that Defendant be housed in the Bureau of Prisons FCI Ft. Worth facility, if appropriate.

SIGNED this 7th day of October, 2016.

A handwritten signature in black ink, appearing to read 'C. Nowak', is written over a horizontal line.

Christine A. Nowak
UNITED STATES MAGISTRATE JUDGE